

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

MARQUISE DEANGELO LOFTIS,

Plaintiff,

v.

ARISCO, *et al.*,

Defendants.

Case No. 1:22-cv-01266-JLT-BAM (PC)

ORDER GRANTING DEFENDANTS'  
MOTION TO OPT OUT OF POST-  
SCREENING ADR  
(ECF No. 32)

ORDER LIFTING STAY OF PROCEEDINGS

ORDER VACATING AUGUST 13, 2024  
SETTLEMENT CONFERENCE  
(ECF No. 31)

ORDER DIRECTING CLERK OF COURT TO  
ISSUE DISCOVERY AND SCHEDULING  
ORDER AND CONSENT/DECLINE FORM

Plaintiff Marquise DeAngelo Loftis ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against: (1) Defendants Rosales Murillo,<sup>1</sup> Tienda, Diaz, and Navarro for excessive force/failure to protect in violation of the Eighth Amendment (claim 2, for duration and use of triangle in cuffing); (2) Defendants Tienda and Diaz for excessive force in violation of the Eighth Amendment (claim 5, for jacking handcuffs upwards); (3) Defendant Navarro for failure to intervene in violation of the Eighth Amendment (claim 5); and (4) Defendant Navarro for retaliation in violation of the First Amendment (claim 6).

---

<sup>1</sup> Erroneously sued as "Rosales."

1 On February 2, 2024, the Court identified this case as an appropriate case for the post-  
2 screening ADR (Alternative Dispute Resolution) project, and stayed the action to allow the  
3 parties an opportunity to settle their dispute before the discovery process begins. (ECF No. 31.)  
4 The Court's order granted Defendants time to investigate and determine whether to opt out of the  
5 post-screening ADR project.

6 On February 29, 2024, Defendants filed a motion to opt out of post-screening ADR. (ECF  
7 No. 32.) After investigating Plaintiff's claims, conferring with his supervisor, and speaking with  
8 Plaintiff and Defendants, defense counsel has determined that a settlement conference will not be  
9 productive at this time. (*Id.*) Therefore, the stay is lifted, and the August 13, 2024, settlement  
10 conference is vacated. This case is now ready to proceed.

11 If the parties wish to set a settlement conference with the Court at a later date, they should  
12 so inform the Court. However, the parties are also reminded that they are not precluded from  
13 negotiating a settlement without judicial assistance.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The stay of this action, (ECF No. 31), is LIFTED;
- 16 2. The August 13, 2024 settlement conference is VACATED;
- 17 3. The Clerk of the Court is DIRECTED to issue a discovery and scheduling order  
18 and a consent/decline form to the parties; and
- 19 4. The parties may proceed with discovery pursuant to the discovery and scheduling  
20 order to be issued by separate order.

21  
22 IT IS SO ORDERED.

23 Dated: February 29, 2024

24 /s/ Barbara A. McAuliffe  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28